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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,590	10/09/2001	Josef Gottling	4100-273	6147

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EXAMINER
EVANS HENCE, ANDREA

ART UNIT PAPER NUMBER
2854

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding:

Office Action Summary

Application No.

09/973,590

Applicant(s)

GOTTLING ET AL.

Examiner

Andrea H. Evans

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 2/2/04, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,4,8,10,12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart (6186068) in view of Petersen (6085650).

Referring to claim 1, Gelbart teaches an apparatus for producing printing plates, comprising: a frame(2) arranged as a stand-alone structure external to a printing machine, a mounting (5) arranged in said frame; a carrier cylinder (1) having a first end and a second end, a motor for driving said carrier cylinder (See Column 3, lines 9-10); and an image setting device (6) moveable along said carrier cylinder for setting an image on a blank printing plate (3)

arranged on said carrier cylinder (1), said second end of said carrier cylinder being is freely accessible to permit printing plate change on said carrier cylinder. (See Column 2, lines 50-54), said mounting and said image sitting device being arranged on an upper surface of said frame (See Figure 1).

Gelbart does not teach said carrier cylinder being cantilever mountable at an image setting position on said mounting via said first end of said carrier cylinder. Petersen teaches a cylinder being cantilever mountable at an image setting position on a mounting via the first end of the cylinder (Column 4, lines 48-51; See Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting of the carrier cylinder of Gelbart such that it is cantilever mountable in order to provide a simple stand design while preserving format variability and providing easy access to the cylinders as taught by Petersen.

Referring to claim 2, Gelbart teaches all that is claimed as discussed above except the apparatus wherein said mounting includes a carrying tube fixed in said frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being arranged in said carrying tube and having a drive connection to said spindle. Petersen teaches a carrying tube fixed in said frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being arranged in said carrying tube and having a drive connection to said spindle (Column 3, lines 4-8.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbart such that it includes a carrying tube fixed in said frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being

arranged in said carrying tube and having a drive connection to said spindle to provide a compact drive for the cylinders as taught by Petersen.

Referring to claim 4, Gelbert teaches the apparatus, wherein said carrier cylinder (1) is operatively arranged for receiving a sleeve-like printing plate (3) that can be clamped onto said carrier cylinder, said carrier cylinder having holes arranged in a cover thereof for blowing compressed air against a printing plate inner wall incident printing plate change (See Column 2, lines 63-66).

Referring to claim 8, Gelbert teaches an intermediate sleeve (See intermediate layer on (3)).

Referring to claim 10, Gelbert teaches the apparatus, wherein said carrier cylinder is operative for receiving one of an offset printing plate, a letterpress printing plate, a flexographic printing plate, and a gravure printing plate. (See Column 1, lines 10-13).

Referring to claim 12, Gelbert teaches the apparatus, further comprising a crossmember (See Figure 1, (7)) arranged in said frame parallel to an axis of rotation of said carrier cylinder, said image setting device being moveable on said crossmember.

Referring to claim 17, Gelbert teaches the apparatus wherein said upper surface of said frame is a planar surface (See Figure 1).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable Gelbert in view of Petersen and in further view of Kersch et al (6,186,065). Gelbert and Petersen teach all that is claimed above, except Gelbert does not teach a said motor fixed in said frame and said carrier includes a journal. Petersen teaches a said motor fixed in said frame and said carrier includes a journal (See Column 4, lines 12-15). It would have been obvious to one having ordinary skill in

the art at the time the invention was made to additionally modify Gelbert by including a motor fixed in the frame and a carrier including a journal as taught by Petersen to provide an efficient drive.

Gelbert and Petersen teach all that is claimed above, except they do not teach the apparatus further comprising an external flexible belt drive connecting said motor to the journal. Kersch teaches an external flexible belt drive (See Column 3, line 65 – Column 4, line 4)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive as taught by Petersen with an external flexible belt drive as claimed to aid in driving the cylinder as taught by Kersch.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbert in view of Petersen (6085650) and further in view of Vermeersch (6030750).

Referring to claim 5, Gelbert and Petersen together teach all that is claimed as discussed in the above rejections except for the carrier cylinder including a clamping device for clamping a printing plate onto said carrier cylinder. Vermeersch teaches the carrier cylinder (50) including a clamping device (See Column 9, lines 9-11) for clamping a printing plate (55) onto said carrier cylinder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Gelbert such that the carrier cylinder includes a clamping device for clamping a printing plate onto said carrier cylinder to provide a stable and suitable connection as taught by Vermeersch.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbert in view of Petersen (6085650) in view of Vermeersch (6030750) and further in view of Fantoni (5188027).

Referring to claim 7, Gelbert, Petersen and Vermeersch teach all that is claimed except they do not teach that the carrier cylinder is one of plural cylinders of different diameters which are mountable at an image setting position. Fantoni teaches that the cylinder (5) can vary in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the references by including cylinders with multiple diameters in order to provide a printing device that can print on any size cylinders as taught by Fantoni.

7. Claim 6 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbert in view of Petersen (6085650) and further in view of Fantoni (5188027).

Referring to claim 6, Gelbert and Petersen teach all that is claimed except they do not teach that the carrier cylinder is one of plural cylinders of different diameters which are mountable at an image setting position. Fantoni teaches that the cylinder (5) can vary in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbert and Petersen by including cylinders with multiple diameters in order to provide a printing device that can print on any size cylinders as taught by Fantoni.

Referring to claim 9, Gelbert and Petersen teach all that is claimed except they do not teach that the carrier cylinder is operative for selectively receiving printing plates of different diameters. Fantoni teaches that the cylinder is operative for selectively receiving printing plates of different diameters (See Column 2, lines 9-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbert and Petersen such

that the carrier cylinder can receive plates of different diameters in order to afford imaging on multiple size plates as taught by Fantoni.

8. Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbert in view of Petersen (6085650) and further in view of Fleischmann (6070528).

Referring to claim 11, Gelbert and Petersen teach all that is claimed as discussed in the above rejections but they do not teach wherein a surface of said carrier cylinder comprises said gravure printing plate. Fleischmann teaches use of a gravure printing plate (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbert and Petersen by including a gravure printing plate as claimed to allow gravure printing such that printing elements are more deeply inlaid than the printing form surface as taught by Fleischmann.

Referring to claim 13, Gelbert and Petersen teach all that is claimed as discussed in the above rejections except they do not teach an erasing device settable against the carrier cylinder. Fleischmann teaches an erasing device settable against the carrier cylinder (See Figure 1D). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbert and Petersen by including an erasing device as claimed to allow reuse of the gravure form as taught by Fleischmann.

Referring to claim 14, Gelbert and Petersen teach all that is claimed, as discussed in the above rejections, except they do not teach a fixing device settable against said carrier cylinder. Fleischmann teaches a fixing device settable against the carrier cylinder (Column 2, lines 43-46). It would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify Gelbert and Petersen by including a fixing device as claimed to aid in the accuracy of the image position as taught by Fleischmann.

Referring to claim 15, Gelbert and Petersen teach all that is claimed, as discussed in the above rejections, except they do not teach a layer applicator device settable against carrier cylinder. Fleischmann teaches a layer applicator device settable against the carrier cylinder (See Figure 1A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gelbert and Petersen by including a layer applicator device as claimed to fill depressions evenly as taught by Fleischmann.

Response to Arguments

9. Applicant's arguments with respect to claims 1-15 and 17 have been considered but are moot in view of the new ground(s) of rejection. Referring to claim 1, Gelbert teaches a stand-alone apparatus for producing printing plates and Petersen teaches a carrier cylinder cantilever mountable at an image setting position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting of the carrier cylinder of Gelbert such that it is cantilever mountable in order to provide a simple stand design while preserving format variability and providing easy access to the cylinders as taught by Petersen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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